**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

WRIT PETITION No. 25210 of 2004

Between:

Mohd Abdul Sattar S/o Haj Mohd. Abdul Majid
R/o AH. No. 16-9-688/1, Opp Water Tank, Old Malakpet,
Hyderabad

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep. By Principal Secretary,
Home Department, Secretariat, Hyderabad
2 The Inspector of Police, Women Police Station (South Zone),
Hyderabad
3 Smt. Naseem Sulatan @ Mahaveesh W/o Md. Abdul Khader
R/o H. No. 21-6-440, Ghansi Bazar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in nature of Writ of Certiorari after calling for the records from the file of the XXII Metropolitan Magistrate at Hyderabad in Crime No. 95/2004 and quash the same.

Counsel for the Petitioner : Mr.V.VISWANATHAM

Counsel for the Respondents : G.P. FOR HOME

The Court made the following :

**ORDER:**

The petitioner seeks a relief of quashing the proceedings in Crime No.95 of 2004 on the file of the XXII Metropolitan Magistrate, Hyderabad. According to him, the proceedings were initiated on a complaint submitted by third respondent, making false and frivolous allegations. It is alleged that the third respondent is daughter-in-law of the petitioner. The son of the petitioner is said to be residing in Dubai. The petitioner submitted a complaint, under Section 200 Cr.P.C., before the IV Metropolitan Magistrate, Hyderabad, against the third respondent and her parents, alleging harassment, and as a counter blast for the same, the present complaint has been filed. He submits that when the husband of the third respondent is not in India, the question of her being harassed and filing complaint under Section 498-A I.P.C. does not arise.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home. Though notice was served on third respondent, she has not chosen to appear.

The petitioner seeks relief of quashing the proceedings in Crime No.95 of 2004, on the file of the XXII Metropolitan Magistrate, Hyderabad. The occasion for High Court to interfere with criminal proceedings, under Article 226 of the Constitution, arises mainly in the circumstances where the proceedings are not taken cognizance of. Once the cognizance of an offence is taken, the matter shifts to the concerned Criminal Court and any grievance in relation thereto and connected therewith can be raised only before the competent Court by invoking the concerned provisions of Cr.P.C. including Section 482. Inasmuch as F.I.R. was registered and Crime No.95 of 2004 is pending before the Criminal Court, the petitioner can certainly avail the remedies under Cr.P.C.

Hence, the writ petition is disposed of leaving it open to the petitioner to work out his remedies under the relevant provisions of

Cr.P.C. before the appropriate Court. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 23.2.2005

Note: C.C. in (3) days.
B/o
DA

To

1 The Principal Secretary, Government of Andhra Pradesh, Home Department, Secretariat, Hyderabad.
2 The Inspector of Police, Women Police Station (South Zone), Hyderabad.
3 Two CCs to the G.P. for Home, High Court Buildings, Hyderabad (OUT).
4 Two CD copies.